

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

NAPOLEON SANDEFORD,

Plaintiff,

v.

CHARLES PLUMMER, et al.,

Defendants.

No. C 06-06794 SBA (PR)

**ORDER DENYING MOTION FOR  
APPOINTMENT OF COUNSEL AND  
GRANTING PLAINTIFF AN  
EXTENSION OF TIME TO FILE  
OPPOSITION TO MOTION FOR  
SUMMARY JUDGMENT**

Plaintiff has filed a second motion for appointment of counsel to represent him in this action.

There is no constitutional right to counsel in a civil case unless an indigent litigant may lose his physical liberty if he loses the litigation. See Lassiter v. Dep't of Soc. Servs., 452 U.S. 18, 25 (1981); Rand v. Rowland, 113 F.3d 1520, 1525 (9th Cir. 1997) (no constitutional right to counsel in § 1983 action), withdrawn in part on other grounds on reh'g en banc, 154 F.3d 952 (9th Cir. 1998) (en banc). The court may ask counsel to represent an indigent litigant under 28 U.S.C. § 1915 only in "exceptional circumstances," the determination of which requires an evaluation of both (1) the likelihood of success on the merits, and (2) the ability of the plaintiff to articulate his claims pro se in light of the complexity of the legal issues involved. See id. at 1525; Terrell v. Brewer, 935 F.2d 1015, 1017 (9th Cir. 1991); Wilborn v. Escalderon, 789 F.2d 1328, 1331 (9th Cir. 1986). Both of these factors must be viewed together before reaching a decision on a request for counsel under § 1915. See id.

1 Here, there are no exceptional circumstances which would warrant seeking volunteer counsel  
2 to accept a pro bono appointment. Plaintiff has been able to articulate his claims adequately pro se  
3 in light of the complexity of the issues involved. See Agyeman v. Corrs. Corp. of Am., 390 F.3d  
4 1101, 1103 (9th Cir. 2004). Furthermore, the issues presented in Defendants' Motion for Summary  
5 Judgment are straightforward. Accordingly, the request for appointment of counsel at this time is  
6 DENIED.

7 The Court on its own motion GRANTS Plaintiff an extension of time in which to file his  
8 opposition to Defendants' Motion for Summary Judgment. The time in which Plaintiff may file his  
9 opposition to Defendants' Motion for Summary Judgment will be extended up to and including  
10 **February 1, 2010.**

11 If Defendants wish to file a reply brief, they shall do so no later than **fifteen (15) days** after  
12 the date Plaintiff's opposition is filed.

13 This Order terminates Docket no. 58.

14 IT IS SO ORDERED.

15 DATED: 12/17/09

  
SAUNDRA BROWN ARMSTRONG  
United States District Judge

1 UNITED STATES DISTRICT COURT  
2 FOR THE  
3 NORTHERN DISTRICT OF CALIFORNIA

4 NAPOLEON SANDEFORD,

5 Plaintiff,

6 v.

7 CHARLES PLUMMER et al,

8 Defendant.

Case Number: CV06-06794 SBA

**CERTIFICATE OF SERVICE**

9 I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S. District  
10 Court, Northern District of California.

11 That on December 21, 2009, I SERVED a true and correct copy(ies) of the attached, by placing said  
12 copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing said  
13 envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery receptacle  
14 located in the Clerk's office.

15 Napoleon Sandeford AJQ254  
16 Glen Dyer Facility  
17 550 6<sup>th</sup> Street  
Oakland, CA 94607

18 Dated: December 21, 2009

19 Richard W. Wieking, Clerk  
By: LISA R CLARK, Deputy Clerk

United States District Court  
For the Northern District of California